

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE TO DETERMINE AND  
COMMUNICATE REDISTRIBUTED PRODUCT DEMAND**

The specification of which

☒ is attached hereto.

☐ Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_  
amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 (a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application to which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

PRIOR FOREIGN APPLICATION(S)			Priority Claimed	
(Number)	(Country)	(Day/Month/Year filed)	<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number

Filing Date

60/117,749  
(Serial Number)

1/26/99  
(Month/Day/Year Filed)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in those/those prior applications in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose information that is material to the patentability of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application, as defined in Title 37, Code of Federal Regulations, Section 1.56 (a):

60/117,749                      1/26/99                      Abandoned  
(Appl. Serial No.) (Filing Date) (Status - Patented, Pending, Abandoned)

09/475,612                      12/30/99                      Pending  
(Appl. Serial No.) (Filing Date) (Status - Patented, Pending, Abandoned)

09/644,596                      08/23/99                      Pending  
(Appl. Serial No.) (Filing Date) (Status - Patented, Pending, Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As named inventor, I hereby appoint the following attorney(s) and/or agent(s):

Robert R. Keegan, Registration No. 18,614  
Trent C. Keisling, Registration No. 36,565

of Head, Johnson & Kachigian, E.J. Ball Plaza, Suite 230, 112 West Center Street, Fayetteville, Arkansas AR 72701, Telephone Number (501) 582-9111, members of the Bar of the State of Arkansas, and

Paul H. Johnson, Registration No. 19,224  
Mark K. Kachigian, Registration No. 32,840

of Head, Johnson & Kachigian, 228 West 17th Place, Tulsa, Oklahoma OK

74119, Telephone Number (918) 587-2000, members of the Bar of the State of Oklahoma, and

Martin G. Ozinga, Registration No. 44,992  
Daniel S. Hodgins, Registration No. 31,026

of Head, Johnson & Kachigian, 204 North Robinson, Suite 3030, Oklahoma City, Oklahoma OK 73102, Telephone Number (405) 236-4000, member of the Bar of the State of Oklahoma, to prosecute this application to issue, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent Document, if issued.

SEND CORRESPONDENCE TO:

DIRECT TELEPHONE CALLS TO:

Trent C. Keisling  
HEAD, JOHNSON & KACHIGIAN  
E.J. Ball Plaza, Suite 230  
112 West Center Street  
Fayetteville, AR 72701

Trent C. Keisling  
(501) 582-9111

Name of Inventor: **Matthew A. Waller**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Fayetteville, Arkansas  
Citizenship: United States of America  
Post Office Address: 2853 Brandon Circle  
Fayetteville, AR 72703

Name of Inventor: **Earl F. Dulaney**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Residence: Fayetteville, Arkansas  
Citizenship: United States of America  
Post Office Address: 1985 Bridgeport  
Fayetteville, AR 72704



APPLICANT: Waller et al.

SERIAL NO.:

FILED:

Atty. Dkt. No.

BAV981147C

TITLE: **A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE TO DETERMINE AND  
COMMUNICATE REDISTRIBUTED PRODUCT DEMAND**

VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY STATUS  
[37 CFR SECTION 1.9 (f) and SECTION 1.27 (b)]  
SMALL BUSINESS CONCERN

I hereby declare that I am

\_\_\_ the owner of the small business concern identified below:

X an official of the small business concern empowered to act on  
behalf of the concern identified below:

NAME OF CONCERN Mercari Technologies, Inc. (formerly BAV Software)  
ADDRESS OF CONCERN 214 West Dickson Street  
Fayetteville, AR 72701

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9 (d) for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract of law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled

**A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE TO DETERMINE AND  
COMMUNICATE REDISTRIBUTED PRODUCT DEMAND**

described in:

- [X] the specification filed herewith.  
[ ] Application Serial No. \_\_\_/\_\_\_ filed \_\_\_\_\_.  
[ ] Patent No. \_\_\_\_\_ issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\* Note: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME OF CONCERN \_\_\_\_\_

ADDRESS OF CONCERN \_\_\_\_\_

☐ INDIVIDUAL    ☐ SMALL BUSINESS CONCERN    ☐ NON PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement of small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed:

NAME OF PERSON SIGNING \_\_\_\_\_

Randy Laney

TITLE OF PERSON OTHER THAN OWNER \_\_\_\_\_

Chairman/CEO

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

12-7-00

EXPRESS MAIL-Mailing Label No. EL523425293 US

Date of Deposit: 12-11-00

I hereby certify that this paper and fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents; Washington, D.C. 20231

Lisa Brooks

Applicant: Waller et al.  
Serial No:  
Filed:

Atty. Dkt. No.  
BAV981147C

Title: **A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE TO DETERMINE  
AND COMMUNICATE REDISTRIBUTED PRODUCT DEMAND**

VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY STATUS  
[37 CFR SECTION 1.9 (f) and SECTION 1.27 (b)]  
INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9 (c) for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled:

**A SYSTEM, METHOD AND ARTICLE OF MANUFACTURE TO DETERMINE AND  
COMMUNICATE REDISTRIBUTED PRODUCT DEMAND**

described in:

- ☒ the specification filed herewith.  
☐ Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_.  
☐ Patent No. \_\_\_\_\_ issued \_\_\_\_\_.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9 (d) or a nonprofit organization under 37 CFR 1.9 (e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization  
☒ persons, concerns or organizations listed below\*

\* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. [37 CFR 1.27].

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Lisa Brooks

FULL NAME: Mercari Technologies, Inc. [ ] INDIVIDUAL  
(Formerly BAV Software) [X] SMALL BUSINESS CONCERN  
ADDRESS: 700 Research Center Blvd. [ ] NONPROFIT ORGANIZATION  
Fayetteville, AR 72701

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)].

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

**NAME OF INVENTOR**

MATTHEW A. WALLER

\_\_\_\_\_  
Signature of Inventor

\_\_\_\_\_  
Date

EARL F. DULANEY

\_\_\_\_\_  
Signature of Inventor

\_\_\_\_\_  
Date

0073504-12100



MILAN MILATOVIC

\_\_\_\_\_  
Signature of Inventor

\_\_\_\_\_  
Date

DAVID C. JOHNSON

\_\_\_\_\_  
Signature of Inventor

\_\_\_\_\_  
Date

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